

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WARD SMITH,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

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No. 4:21-cv-00919-DGK

ORDER DENYING MOTION FOR SANCTIONS

This employment case involves allegations that pro se Plaintiff Ward Smith was sexually assaulted by a co-worker while working for Defendant Amazon.com, Inc. (“Amazon Inc.”). The Court previously granted Amazon Inc.’s motion for summary judgment because this case was precluded by Plaintiff’s previous lawsuit against Amazon Inc. (the “Kansas Action”). ECF No. 54. In doing so, the Court noted that sanctions may be warranted for Plaintiff’s filing of this lawsuit when it was claim precluded by the Kansas Action and for making numerous frivolous filings in this case. ECF No. 54 at 6 n.2.

Now before the Court is Amazon Inc.’s motion for sanctions under the Court’s inherent authority and 28 U.S.C. § 1927. ECF No. 54. Plaintiff opposes the motion, arguing that his filings were not meant to be vexatious; rather, his lack of legal knowledge and training caused him to misunderstand the law and rules governing this case. ECF Nos. 58, 60.

The Court finds that sanctions are not warranted on this record. To be sure, Plaintiff made numerous unauthorized filings and should not have filed this lawsuit in the first place because it was claim precluded. But based on Plaintiff’s representations, it appears that this lawsuit and the filings herein were borne out of Plaintiff’s honest mistakes interpreting the law, not malice. Plaintiff appears to have misunderstood the full legal effect of the Kansas Action as well as how

the Local Rules operate. So as of now, sanctions are not appropriate under 28 U.S.C. § 1927 or the Court's inherent authority.

That said, the Court warns Plaintiff that any future frivolous or unauthorized filings in this case or any future lawsuits clearly barred by the Kansas Action or this case may warrant the imposition of sanctions against him under Federal Rule of Civil Procedure 11, 28 U.S.C. § 1927, or the Court's inherent authority.

For these reasons, Amazon Inc.'s motion for sanctions is DENIED.

IT IS SO ORDERED.

Date: September 7, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT